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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,494	07/22/2002	Wataru Nakazawa		4851

22428 7590 10/20/2004

FOLEY AND LARDNER  
SUITE 500  
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WASHINGTON, DC 20007

EXAMINER

THOMSON, MICHELLE R

ART UNIT PAPER NUMBER

3641

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/064,494	<b>Applicant(s)</b> NAKAZAWA, WATARU	
	<b>Examiner</b> Michelle (Shelley) Thomson	<b>Art Unit</b> 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The reply brief filed 7/8/04 has been entered but is moot in view of the following. The finality of the rejection of the last Office action is withdrawn.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "the hole" in lines 7 and 11, this is indefinite since two separate holes have previously been claimed, a hole in the sheet and a hole in the vehicle body, it is unclear which of the two previously claimed holes applicant is referring to.

5. Claim 3 recites the limitation "the hole" in line 5, this is indefinite since two separate holes have previously been claimed, a hole in the sheet and a hole in the vehicle body, it is unclear which of the two previously claimed holes applicant is referring to.

6. Claim 5 recites the limitation "the opening" in line 1. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102 & § 103***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 1 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Welch et al. (US Patent # 6,508,486). Welch et al. discloses a structure for attaching a cushion (i.e. fabric sheet) (reference 40) to a vehicle body in which the fabric sheet is attached to the vehicle body by inserting a threaded fastener through a hole of the fabric sheet and screwing the stud into a fastening hole formed in the vehicle body, wherein the structure comprises: a fastener (reference 90) (i.e. a spacer) including a grommet and foam collar (a grommet is a spacer positioned in a hole of the fabric sheet, a grommet has a cylindrical portion inserted in the hole, the diameter of the cylindrical portion being smaller than the inner diameter of the hole (otherwise, the cylindrical portion could not be inserted in the hole), the ends of a grommet are provided with flanges that have a diameter larger than the diameter of the hole) (column 5, lines 4-15), wherein the stud (reference 93) is inserted into the cylindrical portion (column 5, line 11), and wherein the end of the spacer is in contact with the vehicle body (reference 26). Although Welch et al. does not expressly state that the stud (reference 93) is threaded, Welch et al. discloses that one end of the stud is adapted to receive a nut. Webster's New Riverside University Dictionary © 1994 defines **nut** as: "a small block of wood or metal with a central, *threaded* hole that is designed to fit around and secure a bolt or screw."

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10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Welch et al. as applied to claim 1 above, and further in view of Budwig (US Patent # 3,091,795).

Although Welch et al. does not expressly disclose the specific details of the grommet, Budwig does. Budwig teaches a grommet wherein the flange is integrally formed with the cylindrical portion, the grommet includes a rear body and a front body to be connected with the rear body, wherein the front body includes the flange and the rear body includes an enlarged portion larger than the hole in the fabric (Figure 5). Budwig and Welch et al. are analogous art because they are from similar problem solving areas: reinforcing holes in fabrics. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the specifics of the grommet as taught by Budwig with the fastening structure as taught by Welch et al. The suggestion/motivation for doing so is found in Welch et al. column 5, lines 4-6.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welch et al. as applied to claim 1 above, and further in view of Kalendek et al. (US Patent # 6,450,529).

Although Welch et al. does not expressly disclose an opening in the fabric sheet located in an edge portion of an airbag that is intended to protect a vehicle occupant's head, Kalendek et al. does. Kalendek et al. teaches an inflatable side air bag curtain that is intended to protect a vehicle occupant's head (Figure 6), the curtain comprises fabric panel comprising tabs (reference 39) with openings (reference 40) along an edge portion for mounting. Kalendek et al. and Welch et al. are analogous art because they are from the same field of endeavor: inflatable air bags. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the openings along an edge portion as taught by Kalendek et al. with the fastener including grommets as taught Welch et al. for an inflatable air bag; the

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suggestion/motivation for doing so would have been to obtain an air bag that could be attached to a structure without tearing.

12. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiramoto (US Patent # 5,195,857) and Masuda et al. (US Patent # 5,677,027). Hiramoto discloses a structure for attaching an insulator sheet (the symbols used in the figures show the material to be fibre, leather, or packing according MPEP 608.02) to a floor plate of an automobile in which the sheet is attached to the vehicle by inserting a threaded fastener through a hole of the sheet and screwing the fastener into a fastening hole formed in the vehicle body, wherein the structure comprises: a spacer (reference 2) positioned in the hole (reference 3a) of the sheet (reference 3), the spacer having a cylindrical portion (reference 16) inserted in the hole (Figure 2), the diameter of the cylindrical portion being smaller than an inner diameter of the hole (this is inherent, the cylindrical portion **COULD NOT** fit inside the hole, as shown in Figure 2, if the cylindrical portion was not smaller than the inner diameter of the hole), the threaded fastener (reference 4) is inserted into the cylindrical portion (reference 16a), and an end of the spacer is in contact with the vehicle body (reference 1) and another end of the spacer is provided with a flange (reference 7) having a diameter larger than the inner diameter of the hole (Figure 7), the flange is integrally formed with the cylindrical portion (Figure 4). The spacer includes a spacer rear body (reference 6) to be in contact with the vehicle body and a spacer front body to be connected with the spacer rear body, the spacer front body includes the flange and the spacer rear body includes and enlarged portion larger than the hole, the enlarged portion (reference 9 being located between the vehicle body and the sheet, the spacer includes a tacking member (reference 8) for tacking the spacer rear body to the vehicle body so that the tacking member engages with an engaging hole (reference 1a) in the vehicle body. Although Hiramoto does not expressly disclose the insulator

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sheet comprising a fabric, Masuda et al. does. Masuda et al. teaches an improved insulator sheet for an automobile floor, wherein the insulator sheet made of a nonwoven fabric for reducing the impact of sound and vibration to vehicle occupants (column 2, lines 33-63). Masuda et al. and Hiramoto are analogous art because they are from the same field of endeavor: vehicle insulating. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the nonwoven fabric as taught by Masuda et al. with the attaching structures as taught by Hiramoto; the suggestion/motivation for doing so would have been to obtain a quieter vehicle.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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